

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BRIGETTE MABE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WAL-MART ASSOCIATES, INC.,

Defendant.

Case No.: 1:20-cv-00591

**NOTICE OF MOTION TO AMEND AND CERTIFY THE COURT'S
MARCH 24, 2022 ORDER FOR INTERLOCUTORY APPEAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1292(b) and Federal Rule of Appellate Procedure 5(a)(3), Defendant Wal-Mart Associates, Inc. (“Defendant”), by and through its undersigned counsel, will move this Court, at a date and time to be determined by the Court, before the Honorable Thomas J. McAvoy, Senior United States District Judge, Northern District of New York, at the United State Courthouse, 15 Henry Street, Binghamton, New York 13901, to amend its March 24, 2022 Order (Doc. 38) so as to certify that Order for immediate interlocutory appeal. Defendant will further move the Court to stay further proceedings in this matter pending that interlocutory appeal’s disposition. *See, e.g.*, Fed. R. App. P. 8(a)(1). Such motion is made upon the accompanying Memorandum of Law in Support of Defendant’s Motion to Amend and Certify the Court’s March 24, 2022 Order for Interlocutory Appeal, and also upon all the pleadings and proceedings herein (including, without limitation, Defendant’s Renewed Motion to Dismiss (Doc. 23, inclusive of 23-1 through 23-6), Defendant’s Reply Memorandum of Law in Support of Its Renewed Motion to Dismiss (Doc. 25), Defendant’s First Response to Supplemental Authority

Provided By Plaintiff (Doc. 30), Defendant's Notice of Supplemental Authority (Doc. 32), and Defendant's Second Response to Supplemental Authority Provided By Plaintiff (Doc. 37).

Dated: Albany, New York
April 4, 2022

GREENBERG TRAURIG, LLP

By: /s/ Henry M. Greenberg

Henry M. Greenberg, Esq.

Nicholas A. Corsano

Jennifer M. Gomez

54 State Street, 6th Floor

Albany, New York 12207

Tel. (518) 689-1469

*Counsel for Defendant Wal-Mart
Associates, Inc.*